HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.23029 OF 2006

Between:

Dr. Mrs. B. Rajeswari Naik

…Petitioner

AND

Government of Andhra Pradesh rep., by its Secretary, Ministry of Human Resource Development, Dept., of Human Resource Development, New Delhi and four others

...Respondents

: O R D E R :

Counsel for the petitioner : Shri S. Ashok Anand Kumar

Counsel for respondent Nos. 1, 2 and 4: Government Pleader Women and Child Welfare

Counsel for respondent No.3 : Shri A. Rajasekhar Reddy, Assistant Solicitor General

10th April, 2007

Per G.S.SINGHVI, CJ

In this petition filed as a piece of public interest litigation, the petitioner has made the following substantive prayer:

> "I, therefore, pray that this Hon'ble Court may be pleased to issue a Writ, Order or direction more particularly a writ in the nature of Mandamus declaring the inaction of the Respondents 2 & 3 in not taking any action on the Enquiry Report submitted by Sri M. Bullaiah, I.F.S., Addl. Secretary and the Draft Review furnished by the Senior Deputy Accountant General and the Joint Inspection report of the Joint Director and the Accounts Officer of the 3rd Respondent Board as arbitrary and illegal and consequently direct the Respondents 1 to 4 to take appropriate action on the illegalities proved against the 5th Respondent in the Enquiry Report submitted by Sri M. Bullaiah, I.F.S., Addl. Secretary and the Draft Review furnished by the Senior Deputy Accountant General and the Joint Inspection report of the Joint Director and the Accounts Officer of the 3rd Respondent Board and pass such other suitable order or orders as this Hon'ble Court may deem fit and proper under the circumstances of the case".

Notice of the writ petition was issued to respondent Nos.2 and 5 on 8-11-2006. Thereafter, the case was adjourned on more than one occasion to enable the Government to supply copy of report dated 9-8-2002 submitted by Shri M. Bullaiah, Additional Secretary to the Government.

On 6-2-2007, Smt. Vasudha Mishra, Principal Secretary to the Government, Women and Child Welfare Department appeared in person and assured the Court that she would personally ensure that final decision is taken on the report submitted by Shri M. Bullaiah.

Yesterday, the case was adjourned to enable the learned Government Pleader for Women and Child Welfare Department to produce evidence to show that the State Government has taken action on the report of Shri M. Bullaiah.

Today, Smt. Annapurna Reddy, learned Government Pleader for Women and Child Welfare Department has placed before the Court Memo dated 3-4-2007, which reads as under:

"GOVERNMENT OF ANDHRA PRADESH

Women Development, Child Welfare And Disabled Welfare Department

Memo No.9784/ICDS/A2/2003, Dated: 3.4.2007

Sub; A.P.High Court-W.P.No.23039 of 2006 filed by Dr.Mrs.B.Rajeshwari Naik, Social Worker, R/O, Chittoor.

Ref: 1. A.P.High Court W.P.No.23029 of 2006 order dtd.19.12.2006.

2. Lr.No.9784/ICDS/A2/03, addressed to Secry APSWB, dtd. 6.1.2007.

3. Lr.No.445/ICDS/A2/2006 dtd 15.2.2007 despatched 28.2.07 (Copy of E.R. to petitioner sent).

4. A.P.High Court W.P.No.23039, dtd. 5.2.07.

5. Lr.No.9784/ICDS/A2/03, dtd.24.3.07 addressed to Executive Director, Central Social Welfare Board, Delhi.

6. Lr.No.9784/ICDS/A2/03, dtd.27.3.07 addressed to Secy.A.P.Social Welfare Board, Hyd.

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The attention of the Government Pleader, A.P.High Court, Women Development, Child Welfare and Disabled Welfare, Hyderabad is Invited to the references cited.

As per orders of the Hon.A.P.High Court, W.P.No.23029/2006 the Secretary to Government (Smt. Vasudha Mishra, I.A.S.), Women Development, Child Welfare & Disabled Welfare Department made personal appearance before the A.P. High Court while submitting the stand of the Government, the Secretary informed to Hon.High Court

that government would continue to pursue the case.

Hon.High Court posted the next date of listing the above W.P. for 9/4/2007.

The Government Pleader, A.P.High Court (W.D.C.W.&D.W.) is informed this department has addressed the Secretary, A.P.Social Welfare Board vide its letter 2nd cited to recover T.A., D.A., H.R.A., claimed excess by the ex-Chairperson, Dr. (Mrs.) Tripurana Venkataratnam, A.P. Social Welfare, rebuild missing files and also terminate the appointments Made by her outside employment exchange. Regarding investment of funds of Rs.1.04 crs (Rs.59.28 laksh, balance still due) in Laxmi Mahila Cooperative Urban Banks, Nacharam, Hyderabad, the department addressed and reminded both the Executive Director, Central Social Welfare Board Delhi and Secretary, A.P.Social Welfare Board, Hyderabad to send action taken report and efforts/enquiries made by them till now, in order to examine further course of action in the light of A.P.High Court directions. The Government is pursuing the matter with the Central/Social Welfare Board and their reports are awaited.

Further, the Secretary, Women Development, Child Welfare And Disabled Welfare Department, Hyderabad has been deputed for election work in Uttar Pradesh and she may return to Andhra Pradesh in the last week of April, 2007 to resume duties. In view of this, the Government Pleader, A.P.High Court (W.D.C.W. & D.W.Deptt.) is requested to bring it to the notice of Hon.High Court, A.P. Hyderabad and seek adjournment of the case by one month."

Shri S. Ashok Anand Kumar, learned counsel for the petitioner argued that the action so far taken by the Government for implementing the report of Shri M. Bullaiah is far from satisfactory and efforts are being made to absolve respondent No.5, but we have not felt impressed. Rather, we are convinced that on its part, the Government has taken effective steps for implementing the recommendations contained in the report of Shri M. Bullaiah and no useful purpose would be served by continuing the proceedings of this petition.

With the above observations, the writ petition is disposed of

leaving the petitioner free to avail other remedies including the one by filing complaint under Section 196 read with Section 200 of the Code of Criminal Procedure.

We also hope and trust that the Government will continue its efforts to recover the amount, if any due from respondent No.5.

As a sequel to disposal of the writ petition, WPMP No.29934 of 2007 filed by the petitioner for interim relief is also disposed of as infructuous.

G.S. SINGHVI, C.J.

C.V. NAGARJUNA REDDY, J.

10th April, 2007

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